

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation, District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
Deland, Florida 32720

**Permit No:** SAJ-2007-6618 (IP-AWP)-Debary Station

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The placement of clean fill material into 2.03 acres of waters of the United States (wetlands) for the construction of the Central Florida Commuter Rail Debary Rail Station. The work described above is to be completed in accordance with the 5 attachments affixed at the end of this permit instrument.

**Project Location:** The project is located in the southeast corner of the intersection of CSX railroad and Fort Florida Road, in Section 09, Township 19 South, Range 30 East, Debary, Volusia County, Florida. The project as proposed will impact wetlands hydrologically connected to the St. Johns River.

**Directions to site:** From the intersection of US 17-92 and the St. Johns River proceed north on US 17-92 to the intersection of Fort Florida Roadway. Turn west on Fort Florida Roadway to the intersection of the CSX Railway. The project is located in the southeast corner.

**Latitude & Longitude:** Latitude 28.8553 North  
Longitude 81.3228 West

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PERMITTEE: FDOT-District 5  
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### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **April 29, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The Permittee in association with St. Johns River Water Management District (SJRWMD) shall ensure 1.2 forested functional units are replaced through utilization of Section 373.4137 Florida Statute. The 2009/2010 SJRWMD FDOT Mitigation Plan identifies impact within BASINS 14, 16 PROJECT GROUP (SJ56) and will include the addition of 50 acres of wetland and upland preservation and enhancement as additions to the Heart Island Conservation Area or other adjacent conservation lands.
2. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above.
3. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-6618(IP-AWP), on all submittals.
4. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
5. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until

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all authorized work has been completed and the site has been stabilized.

6. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

7. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

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**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899  
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

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d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this

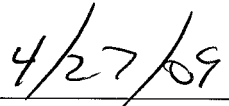
PERMIT NUMBER: SAJ-2007-6618(IP-AWP)-Debary Station  
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permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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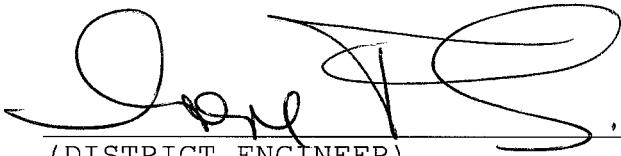
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

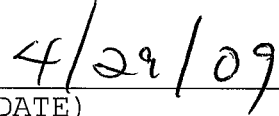
  
(PERMITTEE)

  
(DATE)

  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
(DISTRICT ENGINEER)  
Paul L. Grosskruger  
Colonel, U.S. Army  
District Commander

  
(DATE)



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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

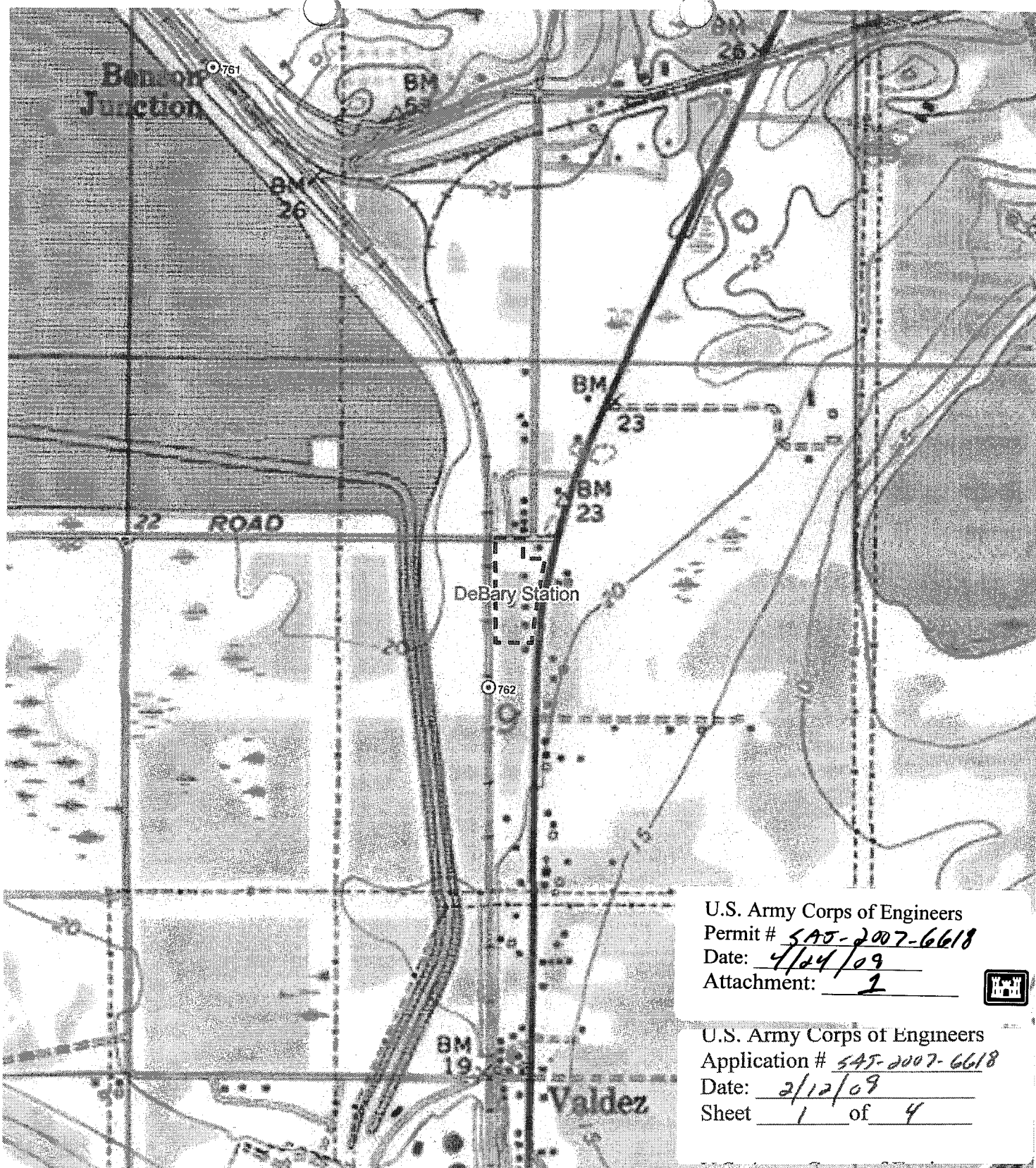
\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army  
Permit Number SAJ-2007-6618(IP-AWP)-Debary Station***

1. PERMIT DRAWINGS: 4 pages
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 6 pages.
3. AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER: 1 page



U.S. Army Corps of Engineers  
 Permit # 545-2007-6618  
 Date: 4/24/09  
 Attachment: 1



U.S. Army Corps of Engineers  
 Application # 545-2007-6618  
 Date: 2/12/09  
 Sheet 1 of 4

1000 500 0 Feet



**Figure 2**  
**DeBary Station**  
**Quadrangle Map**

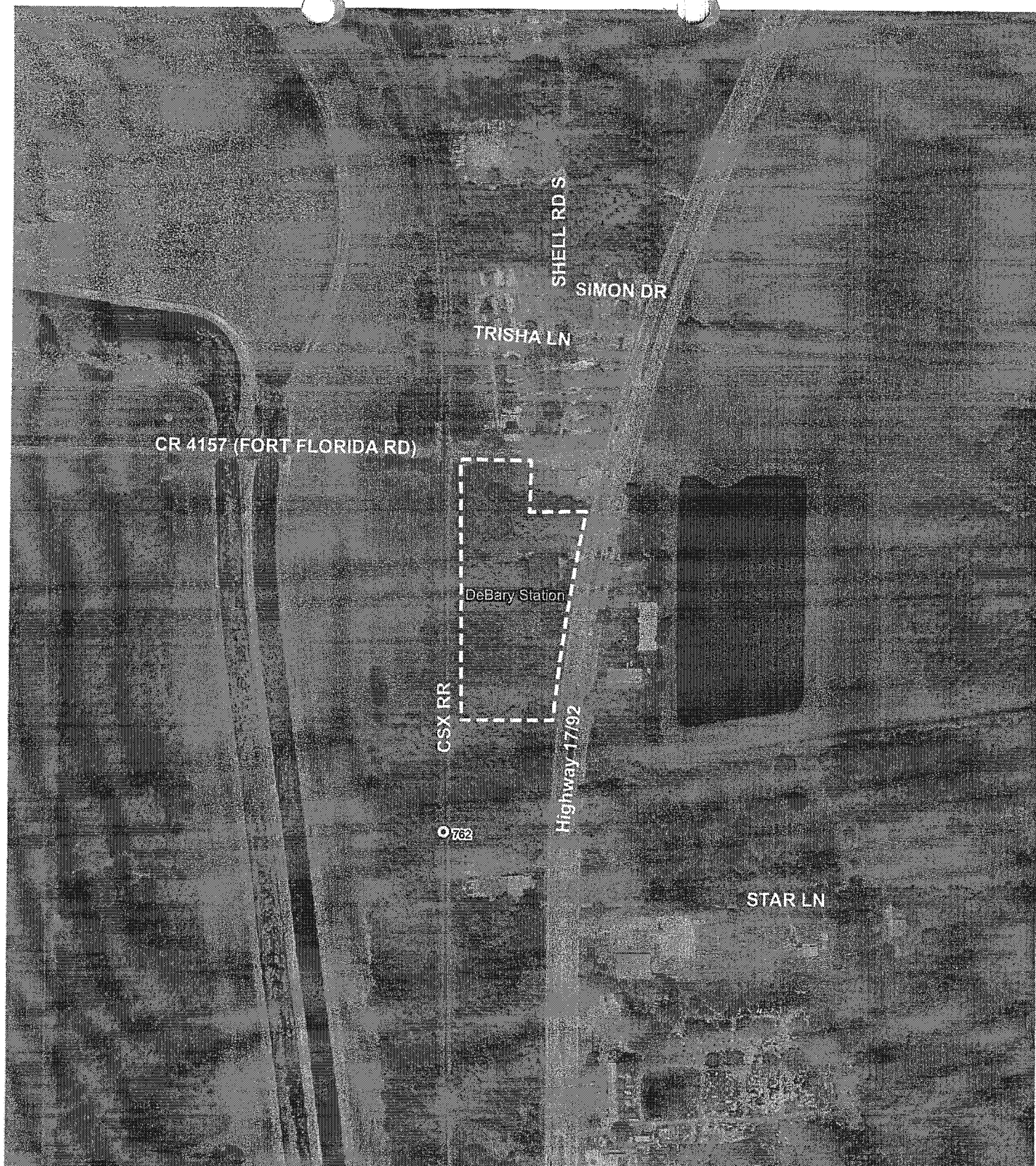
**Legend**

○ Mile Post

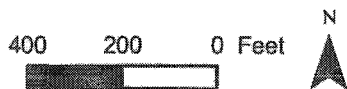


Source:  
 USGS Quad Maps from  
 ESRI's ArcGIS Online  
 Subscription Service





**Figure 1**  
**DeBary Station**  
**Site Location Map**



**Legend**

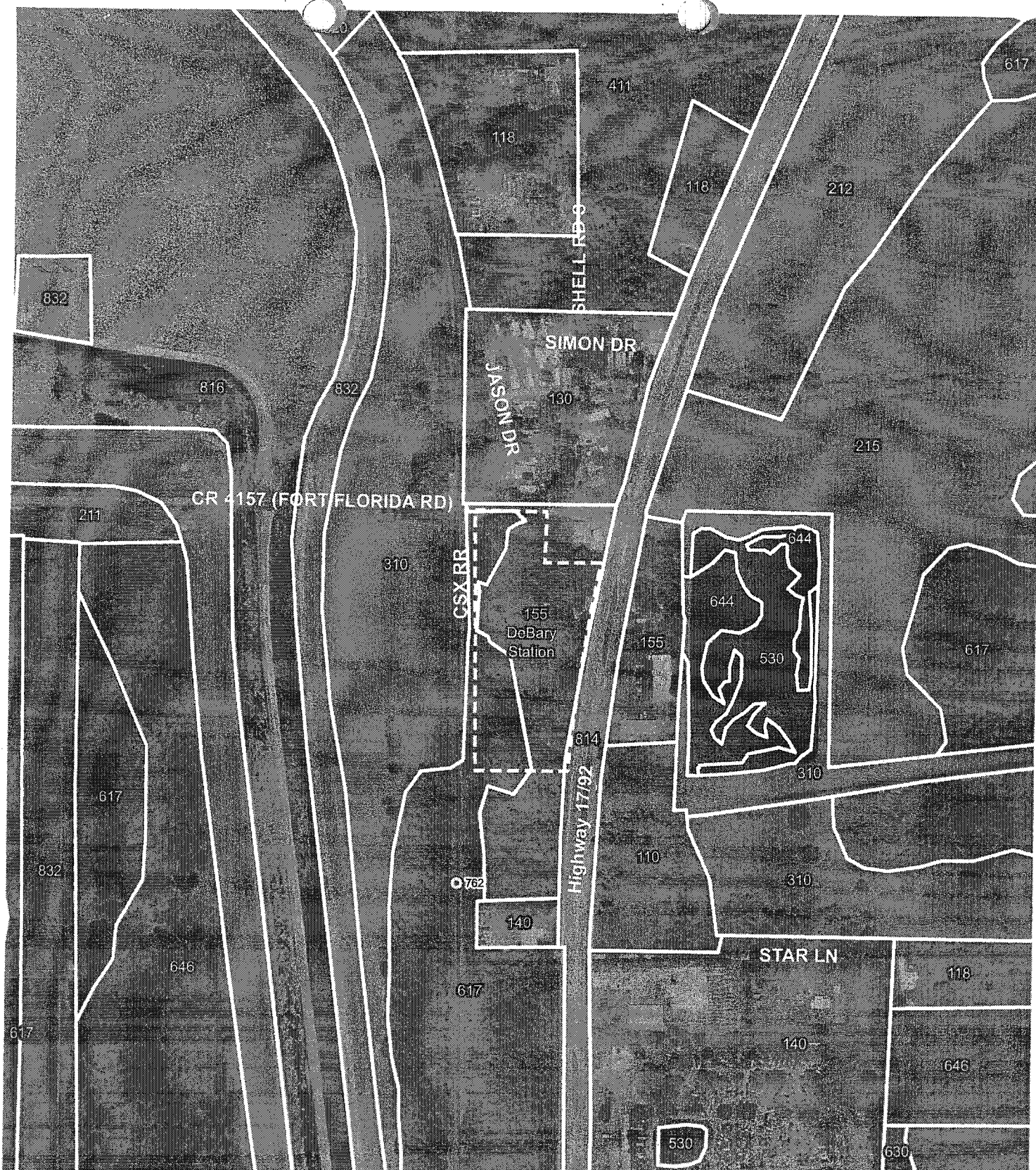
○ Mile Post

28.856  
 - 31.323

U.S. Army Corps of Engineers  
 Application # 547-2007-6618  
 Date: 2/12/09  
 Sheet 2 of 4

Source:  
 Aerials from 2008 flyover from  
 Aerials Express, Inc.





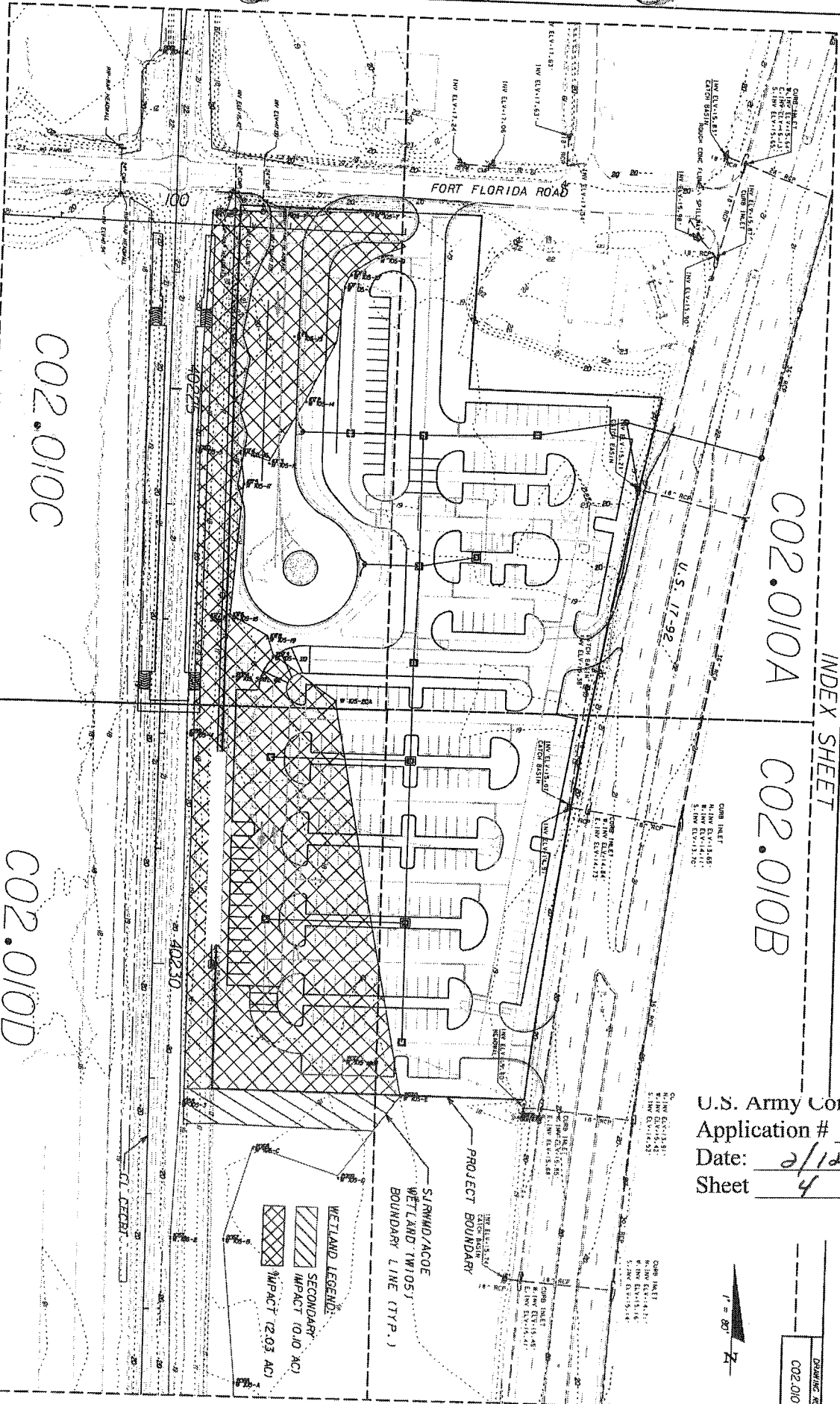
**Figure 3**  
**DeBary Station**  
**Vegetation and Land Use (FLUCFCS) Map**

**Legend**

○ Mile Post

U.S. Army Corps of Engineers  
 Application # SAT-2007-6618  
 Date: 2/12/09  
 Sheet 3 of 4

Source:  
 FLUCCS from SJRWMD and  
 field survey.  
 Aerials from 2008 flyover from  
 Aerials Express, Inc.



INDEX SHEET

C02.010A

C02.010B

U.S. Army Corps of Engineers  
 Application # SAS-2007-6688  
 Date: 2/12/09  
 Sheet 4 of 4



DRAWING NO.  
C02.010

C02.010C

C02.010D

DATE	BY	DESCRIPTION	REVISIONS	DATE	BY
DECEMBER 23, 2008	PER 5062	DESIGN			
TASSAS HANSEN BENTLEY, INC. 10000 N. W. 11TH AVENUE, SUITE 200 MIAMI, FLORIDA 33150 PHONE: 305.444.1111 FAX: 305.444.1112 WWW.THBENTLEY.COM					
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. COUNTY FINANCIAL PROJECT ID CRT-105 VOLusia 412994-3-52-01					
CENTRAL FLORIDA CORPUS RAIL TRAMWAY - 105 DEBARY STATION DRAINAGE AND WETLAND PLAN					
SHEET NO. 18					

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO.** 4-127-114454-2

**DATE ISSUED:** April 14, 2009

**PROJECT NAME:** Central Florida Commuter Rail - DeBary Station

**A PERMIT AUTHORIZING:**

Construction of a surface water management system with stormwater treatment by wet detention for Central Florida Commuter Rail - DeBary Station, a 5.29-acre project .

**LOCATION:**

Section(s): 9

Township(s): 19S

Range(s): 30E

Volusia County

**ISSUED TO:**

FDOT-District 5  
719 S. Woodland Blvd.  
Deland, FL 32720

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated April 14, 2009

**AUTHORIZED BY:** St. Johns River Water Management District

Department of Water Resources

Governing Board

By: \_\_\_\_\_

Jeff Elledge  
(Director)

By: \_\_\_\_\_

Kirby B. Green III  
(Assistant Secretary)

U.S. Army Corps of Engineers  
Permit # SAJ-2007-6618  
Date: 4/24/09  
Attachment: 2



**Consultant:** Vanasse Hangen Brustlin, Inc.  
225 E. Robinson St., Suite 300  
Orlando, FL 32801

**Consultant:** AECOM  
30 S. Keller Rd., Ste 500  
Orlando, FL 32810



**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-127-114454-2**  
**FDOT-DISTRICT 5**  
**DATED APRIL 14, 2009**

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
  1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
  2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
  3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
  4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
  5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
  6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

21. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
22. This permit for construction will expire five years from the date of issuance.
23. The surface water management system must be constructed and operated as per the plans received by the District on December 23, 2008, and as amended by Drawing No. C02.010G (aka Sheet 25), received by the District on March 04, 2009.
24. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.
25. Mitigation to offset the 2.13 acres of direct and secondary impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137, F.S.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: \_\_\_\_\_

2. Permittee Information:

Name \_\_\_\_\_

Address \_\_\_\_\_

3. Project Site Identification:

Physical location/address \_\_\_\_\_

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (Please type)

\_\_\_\_\_  
Florida Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers  
Permit # 640-2007-6618  
Date: 4/24/09  
Attachment: 3



# Statement of Findings

Number: \_\_\_\_\_



Conversion services provided by:

***MICROGRAPHICS***

*The Information and Image Managers*

1925-A NW Second Street

Gainesville, FL 32609

Phone: (352) 372-6039 - Fax: (352) 378-6039

On-line: [www.micrographicsinc.com](http://www.micrographicsinc.com)

CESAJ-RD-NC (1145b)  
SAJ-2007-6618(IP-AWP)  
(Debary Station)

APR 24 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation  
Attn: Patrick Muench  
719 S. Woodland Blvd.  
Deland, Florida 32720

2. Location, Project Description, Existing Conditions: The project is located in the southeast corner of the intersection of CSX railroad and Fort Florida Road, in Section 09, Township 19 South, Range 30 East, Debary, Volusia County, Florida. The project as proposed will impact wetlands hydrologically connected to the St. Johns River.

The applicant proposes to impact 2.03 acres of waters of the United States, wetlands, for the development of the Debary Rail Station.

The wetland system consists of a moderate quality forested freshwater system. The on-site vegetation consists of red maple, swamp tupelo, laurel oak, slash pine and swamp bay. The existing area surrounding the project area consists of FPL Power Plant, residential development, and railways/roadways.

3. Project Purpose: Basic: The construction of a railway station to serve the Central Florida Commuter Rail.

Overall: The construction of the Debary Railway Station to serve the Central Florida Commuter Rail including the associated stormwater management facilities.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

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a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) issued Environmental Resource Permit number 4-127-114454-2 on 14 April 2009.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: The applicant along with the U.S. Department of Transportation (USDOT) and the Federal Transit Authority (FTA) completed a Environmental Assessment on 5 December 2006. A Finding of No Significant Impact was signed by FTA on 27 March 2009.

#### 7. Date of Public Notice and Summary of Comments

a. The application was received on 30 December 2008. The application was considered complete on 19 February 2009. A public notice was issued on 19 February 2009, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 2 March 2009, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): By letter dated 23 April 2009, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.



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b. Applicant's response to the comments: The comments were not coordinated with the applicant since no adverse comments were received.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The subject site is proposed for a park and ride station associated with the Central Florida Commuter Rail. The mainline rail modifications were approved by Department of the Army Permit number SAJ-2007-6617 issued 12 November 2008. The subject site was selected after performing a detailed alternatives analysis which included the evaluation of 3 alternative locations. This site was selected based on the following factors: engineering and operational requirements, land use compatibility and transit oriented development potential, potential impacts, access, land needs and availability, ridership, and potential costs. A copy of the analysis can be found in the administrative record. The applicant was not asked to perform an additional analysis.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant was not asked to further explore minimization alternatives beyond those already achieved.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The mitigation offered by the applicant is sufficient to offset impacts on the values and functions of the wetland resource. The applicant would be required to do the following: Mitigation will be completed in accordance with Section 373.4137 of the Florida Statue (a.k.a. Senate Bill 1986). The Corps has performed a Wetland Rapid Assessment Procedure (WRAP) and determined the approximate functional loss for direct and secondary impacts is 1.2 functional units.

According to the 2009/2010 SJRWMD FDOT Mitigation Plan, the previously approved mitigation for this impact group includes wetland and upland preservation and enhancement as additions to the Heart Island Conservation Area or other adjacent conservation lands. Approximately 50 acres will be preserved and enhanced to offset the impact this project as well as an estimated 1.12 acres of herbaceous wetland impacts associated with Little Haw Creek.

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The compensatory mitigation proposed by the applicant fully offsets impacts proposed to waters of the United States.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: The applicant has describe the following project goals which will provide for public benefit. 1) An alternative mode of transportation between DeLand in Volusia County and Poinciana Industrial Park in Osceola County to the employment and activity centers within the Orlando Metropolitan area. 2) Provide high capacity, fast, convenient and reliable commuter rail service in the congested Interstate 4 corridor thereby minimizing travel time and developing an integrated regional transit system. 3) Assist in the implementation of regional and local growth management plans through more intense land uses and Transit Oriented Development (TOD) practices at the activity center station locations. 4) Implement a financially feasible multi-modal transportation system that includes commuter rail and the corresponding growth

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management plans with established goals, objectives and policies in the four counties and respective cities. 5) Provide an efficient regional transit system that is consistent with local transportation and community based plans and regarded as a good investment.

Positive economic impacts are expected in the way of new public transportation-oriented developments which expand business revenues, leading to new jobs and higher wages and salaries, thus increasing the tax base and revenues flowing to local and state governments.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects for public transportation may include an increase in public safety and the more effective multi modal transportation. The reduction of vehicles on the roadway may lead to an less travel delays on the I-4 corridor which may also facilitate improved intrastate/interstate commerce.

f. Threatened or Endangered Species: The disturbed nature of the site and developed surroundings reduces the likelihood of the eastern indigo snake being present on-site. The project site does not contain suitable foraging habitat for the endangered wood stork. The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. This determination is supported by the lack of comments from the FWS in response to the public notice.

Further, the applicant coordinated with the FWS directly during the Project Development and Environmental Study phase of the project. The applicant provided a Biological Assessment with proposed mitigation measures to the USFWS. The USFWS concurred with the Biological Assessment provided by the applicant and determined the project will have no adverse impacts to federally listed species.

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g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Mitigation provided by the applicant would provide long-term functional replacement within the same drainage basin; therefore, no cumulative impact to wetland functions should result from the project. The applicant will provide stormwater treatment to meet current design standards which will reduce potential water quality impacts to the aquatic environment. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur.

The applicant will follow best management practices and incorporate a storm water pollution plan to reduce potential secondary impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. The applicant will provide compensatory mitigation to fully off-set impacts to the aquatic environment.

#### 11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment.

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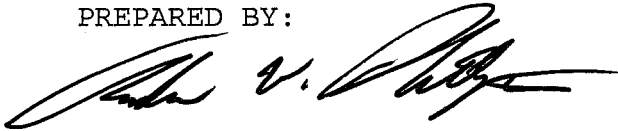
Therefore, an Environmental Impact Statement will not be  
required.

b. Compliance with 404(b)(1) guidelines. Having completed  
the evaluation in paragraph 7 above, I have determined that the  
proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of  
a Department of the Army permit is not contrary to the public  
interest.

d. Section 176(c) of the Clean Air Act General Conformity  
Rule Review: The proposed permit action has been analyzed for  
conformity applicability pursuant to regulations implementing  
Section 176(c) of the Clean Air Act. It has been determined that  
the activities proposed under this permit will not exceed *de*  
*minimis* levels of direct emissions of a criteria pollutant or its  
precursors and are exempted by 40 CFR Part 93.153. Any later  
indirect emissions are generally not within the Corps' continuing  
program responsibility and generally cannot be practicably  
controlled by the Corps. For these reasons a conformity  
determination is not required for this permit action.

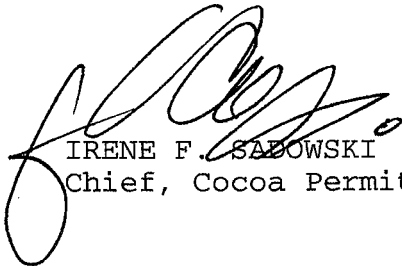
PREPARED BY:



ANDREW W. PHILLIPS  
Project Manager

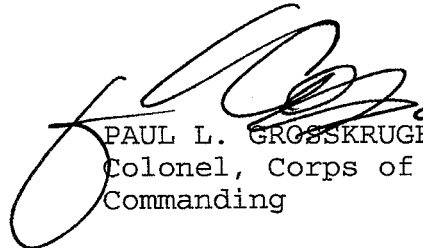
1/24/09

REVIEWED BY:



IRENE F. SZOWSKI  
Chief, Cocoa Permits Section

APPROVED BY:



PAUL L. GROSSKRUGER  
Colonel, Corps of Engineers  
Commanding

CF:  
CESAJ-RD-PE